

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

CHRISTOPHER SMALLEY,)	
)	
Plaintiff,)	
)	No. 1:14-cv-028
v.)	Senior Judge Haynes
)	
DAMON HININGER, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is the Magistrate Judge's Report and Recommendation (Docket Entry No. 101) recommending, after an evidentiary hearing, that this action be dismissed with prejudice for Plaintiff's lack of proof of the Defendants' deliberate indifference to his personal safety and proof of only negligence that is not actionable.

Plaintiff filed his objections (Docket Entry No. 105), contending: (1) that he did not know that he needed to present all of his evidence at the hearing; (2) that he has additional proof and (3) the Defendants Hininger and Chapman should be held liable.

Upon review, this action proceeded with the reasonable period of discovery (Docket Entry No. 59). The Magistrate Judge ordered the production of two witnesses requested by Plaintiff (Docket Entry Nos. 83 and 86). In a letter prior to the hearing, Plaintiff stated that he would "make sure all evidence is turned in." (Docket Entry No. 98).

Upon de novo review of the Report and Recommendation and Plaintiff's objections, the Court **ADOPTS** the Report and Recommendation and this action is **DISMISSED** with prejudice. Any appeal of this order would not be in good faith as required by 28 U.S.C. § 1911(a)(3).

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 27 day of July, 2015.



WILLIAM J. HAYNES, JR.
Senior United States District Judge